

Notice of Allowability**Application No.**

10/516,753

Applicant(s)

HANNOUFA ET AL.

Examiner

BRENT PAGE

Art Unit

1638

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to interview of 05/15/2009 and claim amendments filed 02/23/2009.
2. ☒ The allowed claim(s) is/are 24-28 and 43-50.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 3/20/09
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05/15/2009
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

IN THE CLAIMS:

Claims 24-28, and 44-46 were amended as follows:

Claim 24. (currently amended) An isolated nucleic acid sequence encoding the sequence of BnSCL1 as set forth in [(JSEQ ID NO:81)].

Claim 25. (currently amended) The isolated nucleic acid sequence of claim [24]27, encoding amino acids 1 to 358 of SEQ ID NO:81.

Claim 26. (currently amended) The isolated nucleic acid sequence of claim [24]27, encoding amino acids 1 to 261 of SEQ ID NO:81.

Claim 27. (currently amended) The isolated nucleic acid sequence[of claim 24] encoding amino acids 1 to 217 of SEQ ID NO:81.

Claim 28. (currently amended) The isolated nucleic acid sequence[of claim 24] encoding amino acids 146 to 358 of SEQ ID NO:81.

Claim 44. (currently amended) A construct comprising [the]an isolated nucleic acid [of claim 24] operatively linked with a regulatory region, wherein the isolated nucleic acid is selected from the group consisting of the nucleic acid sequence encoding 1 to 358 of SEQ ID NO:81, the nucleic acid sequence encoding 1 to 261 of SEQ ID

NO:81, the nucleic acid sequence encoding 1 to 217 of SEQ ID NO:81, and the nucleic acid sequence encoding 146 to 358 of SEQ ID NO:81.

Claim 45. (currently amended) The construct of claim 43, wherein the isolated nucleic acid further comprises a nucleic acid sequence encoding a DNA binding protein.

Claim 46. (currently amended) The construct of claim [43]44, wherein the isolated nucleic acid further comprises a nucleic acid sequence encoding a DNA binding protein[, and the isolated nucleic acid is selected from the group consisting of 1 to 358 of SEQ ID NO:81, 1 to 261 of SEQ ID NO:81, 1 to 217 of SEQ ID NO:81, and 146 to 358 of SEQ ID NO:81].

Authorization for this examiner's amendment was given in a telephone interview with Mike Skoog on 05/15/2009.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent Page whose telephone number is (571)-272-5914. The examiner can normally be reached on Monday-Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571)-272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Phuong T. Bui/
Primary Examiner, Art Unit 1638

Brent T Page